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A PLOT TO KILL KENNEDY?

The story behind the New Orleans investigation

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The Saturday Evening POST

A Plot to Kill Kennedy?

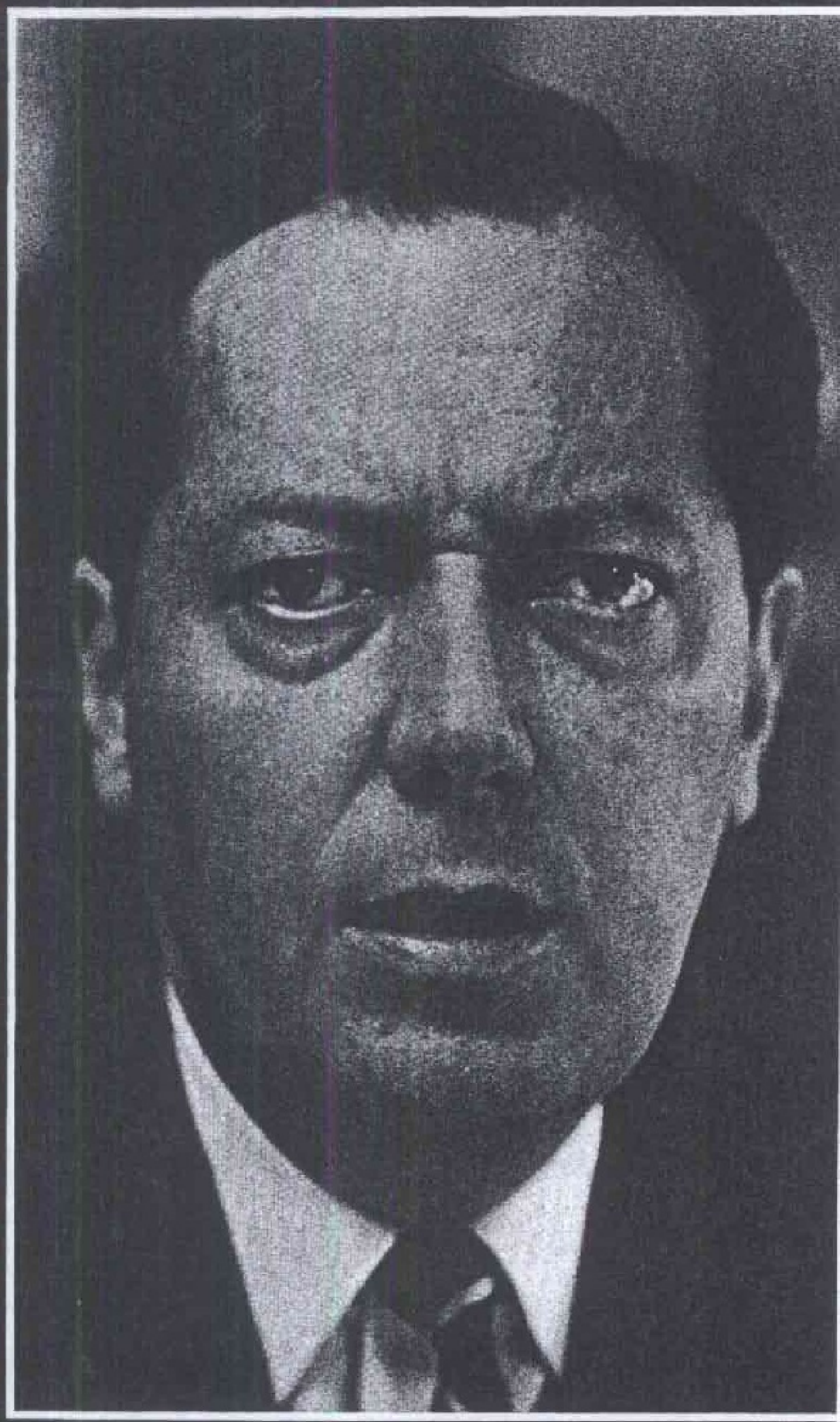
RUSH TO JUDGMENT IN NEW ORLEANS

District Attorney Jim Garrison claims to have solved the President's murder. What evidence does he have? How good is it?

By JAMES PHELAN

On the morning of February 20, a deluge of frantic incoming calls lighted up the telephone switchboard in the outer office of the district attorney of New Orleans, and for the next month it blazed like a pinball machine gone mad. Day after day, calls poured in from across the U.S., from London, Rome, Paris, Berlin, from South America, Mexico, Japan. At times the trunk lines jammed completely. One Moscow journalist made six transatlantic calls without ever reaching Garrison himself. "I dialed twenty-three times before I got the switchboard girl," said another newsman. "She said, 'One moment, please,' and that was the last I heard of her."

Outside Garrison's office the corridor boiled with newsmen, radiocasters,



Attorney Dean Andrews was telephoned after the assassination by "Clay Bertrand" and asked to defend Oswald.

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television crews, curiosity-seekers. There was a team of reporters from *Paris Match*, two men from the Russian news agency Tass and someone from the radio station at Anna, Ill., population 4,280. "I wonder where Norman Mailer is," a newswoman said. "Everyone else is here."

What fetched them running was the remarkable news that New Orleans was staging its own version of the Warren Commission, without the Warren Commission. Heading the new investigation into the death of John F. Kennedy was District Attorney Jim ("Jolly Green Giant") Garrison, a six-foot-six-inch lawyer, with a contempt for orthodoxy and an instinctive dislike for anything that might be termed The Establishment. Articulate, sardonic, well-read, Garrison is an ardent admirer of Ayn Rand, author of *The Fountainhead* and *Atlas Shrugged* and high priestess of a cult of absolutely unfettered individualism.

Garrison established his credentials as a maverick at the very outset of his Kennedy probe. When Congressman Gerald Ford suggested that he turn over any new evidence to the U.S. Attorney General for forwarding to the President, Garrison snapped, "I am running this investigation, not the President, not the Attorney General. Now if they want to help *me*, I'll welcome their assistance. But I'm not reporting to anyone."

In addition to a new management, New Orleans's one-man Warren Commission had a new plot and an assortment of bizarre new characters. According to Garrison, instead of a one-man strike by a bitter, alienated loner, Kennedy's tragic death was engineered by a group, in which Lee Harvey Oswald played a complex role of "participant, decoy and victim." Said Garrison at the outset of the hullabaloo, "My staff and I solved the assassination weeks ago. . . . We know the key individuals, cities involved, and how it was done."

Garrison's startling announcement came when public discontent with the "lone assassin" explanation was growing. In January the Gallup Poll had reported that only 36 percent of the American people believed that Oswald had acted alone, and *Rush to Judgment*, author Mark Lane's assault on the Warren *Report*, was topping best-seller lists both here and abroad.

News of the Garrison project first broke on February 17, in a story in the New Orleans *States-Item* by a pert, pixie-faced, girl crime reporter named Rosemary James. Based on information dug up by several staff reporters, she disclosed that in three months Garrison had expended $8,000 in public funds dispatching staff men to Florida, Washington, Texas and elsewhere, running down leads on the Kennedy assassination.

Garrison denounced the disclosure of his project as "outrageous" and "irresponsible." Rosemary James, however, says, "I took a copy of the story to Garrison the day before we printed it. He read the lead, threw it back to me and said 'No comment.' He said nothing about the story hurting his investigation, and if he had asked us to withhold it, I think the paper would have done so." Said Garrison, "Anyone who says I read that story in advance is a liar."

The day after publication of the first story, a key figure in the investigation stepped forward: David W. Ferrie. "You had to see Dave Ferrie to believe him," says a New Orleans newsman, "and once you saw him you could never forget him." Ferrie was 48, completely hairless, and habitually wore glued-on eyebrows and had tufts of hair fastened at random on his head with spirit gum. He had a nasal voice, an antipathy to soap and a penchant for authoritative statements.

He also had a long record of failure in a wildly disparate series of endeavors. Ferrie had been a teacher, an unsuccessful candidate for the priesthood, a pilot who had been discharged by Eastern Air Lines for homosexual activity, a "psychologist" with a "degree" from a diploma mill, a private investigator, a self-proclaimed cancer-cure "researcher" and an amateur hypnotist. In New Orleans he had become enmeshed with a group of anti-Castro Cubans and had been training teams of "guerrilla jungle fighters" for some future assault on Cuba. To muddy things further, some of his acquaintances insisted later that Ferrie often expressed admiration for Fidel Castro. In his spare time, Ferrie labored on a miniature submarine that he was trying to fashion out of an airplane fuel tank. "Like most of Dave's projects," said a friend, "it didn't work."

Garrison later was to describe this exotic loser as "one of history's most important individuals." But when Ferrie first surfaced in the Garrison probe on February 18, Ferrie simply identified himself as a reject from the Warren Commission investigation. He had been picked up by Garrison's men shortly after the Dallas tragedy in 1963. Ferrie declared, on a tip from an unstable New Orleans character, Ferrie said he gave the FBI a "meticulous accounting" of his movements on the weekend of the assassination. Says a Washington source, "The FBI squeezed Ferrie dry, found nothing there, and discarded him." When Garrison opened his own investigation, three years later, he ran Ferrie through a new interrogation. Said Ferrie, "Supposedly I have been pegged as the getaway pilot." Ferrie denied any role in any plot, denied that he ever knew Lee Oswald and termed Garrison's project "an utter waste of time."

Four days after he made this statement, David Ferrie was found dead in his filthy, cluttered apartment at 3330 Louisiana Avenue Parkway. Although the New Orleans coroner flatly declared his death due to natural causes (massive brain hemorrhage from an artery failure), Garrison referred to it darkly as a suicide, hinted it might be murder and began issuing a series of provocative statements.

"Evidence developed by our office," Garrison declared, "had long confirmed that [Ferrie] was involved in events culminating in the assassination of President Kennedy." Two days later, February 24, Garrison announced for the first time that he had "solved" the plot to murder President Kennedy, that "every individual involved" would be arrested and that "the only way they can escape is to kill themselves."

Up to that point, the American press in general had been playing down the Garrison project, while the European papers had been bannering it. But within hours after the death of Ferrie and Garrison's bold announcement, the jets began to deplane newsmen by the dozen at New Orleans International Airport, and the second Mardi Gras of 1967 was on.

It was one of those stories with a dozen rumors a day and no real news. After a bitter blast by the American Civil Liberties Union accusing him of prejudicial statements, Garrison began avoiding the press. Without Garrison—who had the whole story, whatever it might be, in his head—there was nothing left but conjecture.

I flew into New Orleans 10 days after the story broke. Four years earlier when Garrison, new to the D.A.'s office, had cleaned up the gamey clip joints in Bourbon Street for the first time in man's memory, I had reported his reform campaign for the *Post* ("The Vice Man Cometh," June 8, 1963). I had spent a leisurely 10 days with Garrison and his chief investigator, a shrewd, tough ex-cop named Pershing Gervais, and had found Garrison's directness and brutal candor remarkable for a politician. Now Gervais was gone, and a New Orleans writer warned, "You'll see a difference in Garrison. He's lost his best people, and has surrounded himself with yes-men. There's nobody to stop him or challenge him now."

I picked up my first hot rumor four hours after getting into town. "Just got a tip," a man told me. "The *Post* is financing Garrison in exchange for an exclusive story on the assassination plot. They're sending a man down today to wrap it all up." I told him I was the man from the *Post* and that his story was untrue. "Oh," the man said.

For four days Garrison was unreachable. Interview-seekers had to queue up at his office just to leave a note for him, and it disappeared into a huge stack of similar notes. In the oyster bars on Iberville, the jazz clubs and strip joints on Bourbon Street, in the cool, dim-lighted New Orleans Press Club, everyone asked the same question: "Do you think Garrison has something?" The answers fell into three groups. Many New Orleans residents believed that Garrison knew exactly what he was doing. "He wouldn't go out on a limb like this without something big," they said. "He's too smart."

The second group, mainly Garrison's enemies, said, "He's gone off his rocker and is going to fall flat on his face."

The third group had a more sophisticated analysis. "He's got hold of a *little* something, but not a real conspiracy. With all the Cuban refugees in this town boiling mad about the Bay of Pigs, there were probably a hundred people who talked about killing Kennedy. Garrison will come up with some scraps, make some headlines and drop it. When Ferrie died, that gave him a perfect out. It will all be over in a couple of weeks."

The third group proved wrong first. On March 1, Garrison stunned New Orleans by suddenly ordering the arrest of Clay L. Shaw, a tall, gray-haired, 54-year-old bachelor, a familiar figure in New Orleans social circles, and former managing director of the city's International Trade Mart. Right after Shaw's arrest, Garrison obtained a search warrant for Shaw's residence in the French Quarter. The warrant application claimed that in September, 1963, Ferrie, Oswald and Clay Shaw ("alias Clay Bertrand") had held "meetings" in Ferrie's apartment at which there was an "agreement and combination among" these three "and others" to kill Kennedy. Garrison claimed to have

Clay Shaw was besieged by press after each session of hearing; judges eventually ordered him held for trial.

"a confidential informant who was present at the meetings and saw the conspirators and heard the plans." Armed with the search warrant, Garrison's men sped to Shaw's home and carted off a wide variety of objects, which included five whips, some chains, a black hood and cape, pieces of leather, a black gown and a black "net-type hat."

In a jammed press-conference, Shaw flatly denied all of Garrison's charges. "I have not conspired with anyone at any time or at any place to murder our late and esteemed President," he declared in a calm voice. Asked why he thought Garrison had arrested him, he replied with no visible show of rancor, "I have no way of knowing."

The arrest of Shaw brought two new characters onstage. The first was Dean A. Andrews, a one-time private attorney, and an assistant district attorney at nearby Jefferson Parish until his suspension on March 16. Andrews, a roly-poly man addicted to sunglasses and startlingly elliptical conversation, had 14½ pages of testimony in the Warren *Report*. It had made three major points:

1. During Oswald's stay in New Orleans in 1963, Oswald had come to his office for legal help about his discharge from the Marines, and had been accompanied by some "gay kids, Mexicanos."

2. Someone by the name of "Clay Bertrand" called Andrews from time to time and asked him to represent homosexuals in trouble with the law.

3. The day after Kennedy's assassination, Andrews, who was hospitalized with pneumonia, received a phone call from "a voice I recognized as Clay Bertrand." The caller asked Andrews if he would go to Dallas and defend Oswald. Andrews told the caller he was sick, and nothing more came of it.

Andrews said he had seen Bertrand only twice. He told the Warren Commission Bertrand was "about five feet eight inches," with sandy hair. In an earlier interrogation by the "Fee-Bees"—his term for the FBI—he said Bertrand was about six feet two and had brown hair. Confronted with the six-inch disparity in Bertrand's height, Andrews replied, "I don't play Boy Scout and measure them." He added a final colorful touch. After the assassination, he said, he spotted "that swinging cat" Bertrand in a bar. Bertrand "spooked and ran," Andrews said. "I should have cracked him on the head with a bottle, but I figured to be a good law-abiding citizen and made the biggest mistake of the century."

The elusive Clay Bertrand intrigued Jim Garrison. Early in his investigation, Garrison told me later, he became convinced that Clay Shaw was also Clay Bertrand. He called in Dean Andrews for further questioning, and Andrews reportedly claimed he couldn't say for sure that Bertrand was Shaw or that he *wasn't*. Garrison then took Andrews before the New Orleans grand jury, and on March 16 he was indicted for perjury in a matter "relating to a conspiracy to murder John F. Kennedy." Andrews brushed the matter aside with a pure Dean Andrews quote. Throwing up his hands like a man who had borne more than mortal flesh should bear, he said, "Garrison thinks I have the key to some locks. The fact is I don't even know where the *locks* are."

'We know the key individuals, cities involved, how it was done.'

Nine days before Clay Shaw's preliminary hearing on March 14, I met Garrison at the Las Vegas airport. My note had finally worked its way through the stack in his office, and he had called me to apologize. "I've got to get away for some rest," he said. "I'll meet you in Vegas where we can relax and get some sun. I'll tell you the whole incredible story." He came off the plane slump-shouldered and exhausted. "I've been going for months on three or four hours' sleep a night, working on this thing seven days a week," he explained.

In the next two days we talked for about 10 hours. He told his story in bits and pieces, interrupted with long discursions on the shortcomings of the Warren *Report*. "What they did on the Warren Commission was send a hundred squirrels out to pick up leaves, acorns and sticks. Each squirrel brought something in and dumped it in a box. Then the head squirrels looked at this collection of junk and tried to reconstruct the terrain where it had been picked up. What it took to solve this puzzle was imagination and evaluation. It was like a chess game—and I once played an expert eight hours to a draw."

His interest in the Kennedy assassination, Garrison said, had originated the previous fall when he flew from New Orleans to New York with Sen. Russell Long of Louisiana. "Up to that time I had assumed that the FBI had done a competent job," he said, "but I found that Long had some doubts about the solution to the Kennedy killing. He is a knowledgeable Washington figure, so I began to have some second thoughts."

The first "conspirator" flushed out by Jim Garrison was Dave Ferrie, an ex-pilot with a long history of failure.

'There was the thrill of staging the perfect crime. Remember the Loeb-Leopold case? It was the same thing.'

The case broke wide open when Garrison arrested Clay Shaw, a respected businessman with social connections.

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On his return to New Orleans, Garrison said, he read a number of "excellent articles and books" criticizing the Warren *Report* and "realized that something was wrong." He quietly opened his own investigation.

"You know how you can pluck at a thread and wind up unraveling a whole coat?" Garrison said. "The thread that unraveled this whole case was the trip that Ferrie made to Houston the day after Kennedy was killed. While everybody in the country was glued to their television sets, Ferrie takes off with two guys and drives through a thunderstorm to Houston. He told the FBI that he had this sudden desire to go skating, and he knew there was a skating rink in Houston. The FBI checked him out and found that he showed up at the skating rink, all right, and they dropped him. But you know what? *They never even asked if Ferrie put on his skates!* We checked and found that he just stood alongside a wall there that afternoon and told everybody who would listen, 'I'm Dave Ferrie.' We checked the rink and found that there was a phone on that wall. So it seemed plain that this was the message center."

At the end of the 10 hours, Garrison had never explained what the "message center" was for, who called Ferrie there or whom Ferrie called.

Boiled down, his version of the Kennedy assassination made it out to be the result of a homosexual conspiracy masterminded by Dave Ferrie. "You can understand his motivation," Garrison said. "Kennedy was a virile, handsome, successful man—everything Ferrie was not. In addition, there was the thrill of staging the perfect crime. Remember the Loeb and Leopold case in Chicago? It was the same thing with Kennedy."

By the wildly convoluted script that Garrison had pieced together, Ferrie had trained some "Cuban wildcats" to go in and assassinate Castro, but then had "spun them off" and directed them against Kennedy. He claimed that Oswald and Ruby were both homosexuals and were both involved in the plot. He implied that Ruby—"his homosexual nickname was Pinkie"—executed Oswald to prevent him from telling all. He claimed that there were at least two other gunmen, firing from the famed "grassy knoll" at Dealey Plaza. He implied—without flatly stating—that he knew who they were. He gave me two Cuban names. Several weeks later I learned that he was planning to interrogate one of them as a cooperative witness, and apparently had recast him from a bad guy to a good guy.

At the end of two long rambling sessions, he told me that his key witness against Shaw would be Perry Russo, a 25-year-old insurance salesman.

He gave me two documents to read overnight. "Take these and brief yourself on them," he said. "They'll help you understand Perry Russo's story."

The first was a long memorandum from Garrison's assistant, setting forth in detail what Perry Russo had said in his first interview. The other was a transcript of what Russo had said four days later, under hypnosis, in what purported to be an attempt by Garrison to "refresh his memory." I read them three times, with a growing sense of disbelief. The two versions, from the same witness, told two completely different stories. And in the first account there was no mention of Oswald, Ferrie and Shaw plotting to kill anyone.

Russo could not identify Oswald as one of the "conspirators" until a D.A.'s man drew beard on Oswald's picture.

Shaw's preliminary hearing opened March 14 under dramatic security precautions. Newsmen were photographed, given special passes, frisked for weapons. Armed deputies lined the courtroom and kept the audience under constant watch.

Perry Russo was the whole show. Dark-haired and somber, the 25-year-old salesman proved a polite and imperturbable witness. In response to Garrison's questioning, Russo said he had first met Ferrie in 1960. Russo had been trying to extricate a young friend from Ferrie's influence at the request of his friend's parents. Ferrie became so enraged at his efforts, Russo said, that he once threatened to kill him, but later they became friends.

Russo identified Lee Harvey Oswald as a man he had known as Ferrie's roommate under the name of Leon Oswald. He said he saw Oswald in the summer of 1963 with Ferrie at Ferrie's apartment, once polishing a rifle with a telescopic sight mounted on it. He testified that "Oswald" seemed rather surly and was "antagonistic" to him.

He identified Clay Shaw as a man he had seen three times. The first time, he said, was during a visit by Kennedy to New Orleans, when he saw Shaw in the crowd. The third time was in a car with Ferrie, months after the assassination.

Their second meeting was the heart of Russo's story. This, Russo said, was at a party at Ferrie's apartment in the middle of September, about two months before Kennedy was killed. He said he had just "dropped in" and found eight or nine people there. The others drifted off, leaving Russo alone with "Clem Bertrand"—whom he identified as Clay Shaw—Oswald and Ferrie. And then, said Perry Russo, the three others began openly discussing the assassination of the President.

He said Ferrie "took the initiative" and discussed "diversionary shots." He said there would be two or three people involved and one "would have to be the scapegoat" while the others made "the good shot." The three discussed a plan to escape by plane to Brazil via Mexico or directly to Cuba. The only reference to Russo's presence during this frank discussion was at the outset. Oswald

said. "What the hell is he doing here?" Russo declared, and Ferrie replied that Russo was "all right—he doesn't know anything." Russo declared that he had no part whatever in the plot; he was simply one of the world's most fortuitous witnesses.

He withstood a long cross-examination without once visibly ruffling. He conceded that he had not identified a picture of Lee Oswald as "Leon Oswald" until Garrison's office had sketched a series of beards on it. He acknowledged that he had seen "Bertrand" once and Ferrie numerous times after the assassination and never questioned them about the "murder plot" or about the man named "Oswald" he had seen with a rifle. He had not come forward with his story in the three years since the assassination, he said, for a variety of reasons. He "had confidence in the FBI"—which had reported that only Oswald was involved in the Dallas killing. Besides, he "was involved with school, which was more pressing to me," and "I never push myself off on anybody."

He was followed on the stand by Coroner Nicholas Chetta, who testified that he had administered Sodium Pentothal—the so-called truth serum—to Russo, and by Dr. Esmond Fatter, who said he interrogated Russo three times under hypnosis. Each testified that hypnosis could assist a witness in sharpening his memory and enable him to recall past events.

The only witness other than Russo was a narcotics addict who claimed he saw—during a time he was on a four-cap-a-day heroin habit—two men he identified as Shaw and Oswald talking together on a New Orleans breakwater. At the conclusion of the four-day hearing, the judges ruled that there was "probable cause" to hold Clay Shaw for trial.

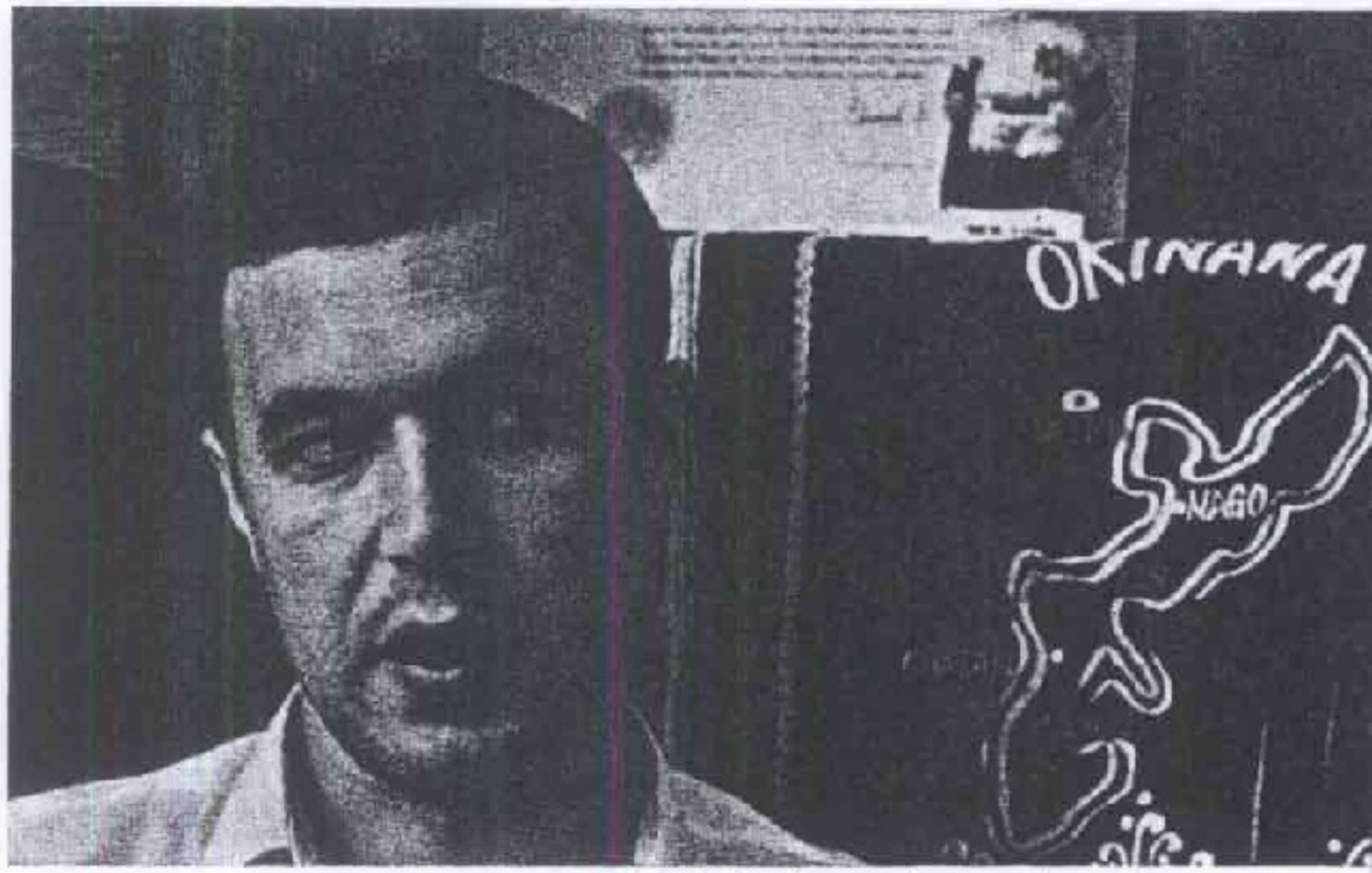
The way Russo related his story in court—and the way it was reported around the world—he had simply overheard an assassination plot and had told Garrison's office about it when he saw a picture of one of the plotters—Dave Ferrie—in the newspapers. Garrison had then had Russo's story "checked" by truth serum and hypnosis, and it had stood up. But if Garrison's own records could be believed, it hadn't happened that way at all.

Russo was first interviewed by a Garrison aide on February 25, three days after Ferrie's death and the day after Garrison had announced to the world that the case was solved. The interview was conducted in Baton Rouge, Russo's hometown, by Andrew J. ("Moo") Sciambra, a 31-year-old assistant D.A., just a year out of law school. "We talked about three hours, and Sciambra made a lot of notes," Russo told me after the hearing.

Sciambra returned to New Orleans and on Monday, February 27, wrote a minutely detailed memorandum to Garrison on what Russo had told him. It ran 3,500 words. At no point did it mention an "assassination plot." It made no reference to the party at Ferrie's apartment, where Russo later said the plot was discussed. There was no positive identification of Lee Harvey Oswald as "Leon" Oswald. Most striking of all, when shown a picture of Clay Shaw Russo had said nothing whatever, according to the memorandum, about having known him as "Bertrand." The memo specifically said Russo had seen Shaw only twice—once at the Kennedy speech and once in a car with Ferrie. There was no mention whatever of Shaw's even knowing Oswald.

According to a second memo by Sciambra, Russo was put under Sodium Pentothal on Monday afternoon in New Orleans, and this time he did make passing reference to the party at which the plot was discussed. There was no stenographic record made of this session, but Sciambra's memo clearly states that Russo mentioned the party only after this prompting by Sciambra: "I then asked him if he could remember any of the details about Clay Bertrand being up in Ferrie's apartment."

The sensational story Russo later told on the witness stand was elicited from him under hypnotism two days afterward. The trance was induced by Dr. Fatter, who conducted the questioning.



Garrison's key witness was insurance salesman Perry Russo, who described the "plot" while in a hypnotic trance.

The answers were recorded by a stenographer.

Obtaining dependable testimony via hypnotism, according to competent psychiatrists, is a highly sensitive procedure. A subject in a deep trance is highly suggestible. Says Harry Arons, an expert in the field, "It is possible to lead a suggestible witness in any direction by improper questioning."

Fatter used the device of having the hypnotized Russo picture a "television screen" and describe what he saw on it. When Russo yielded nothing about a party at Ferrie's or an assassination plot, Fatter began setting the stage for him. "Now picture that television screen again, Perry, and it is a picture of Ferrie's apartment and there are several people in there and *there is a white-haired man*. Tell me about it."

Russo: "We are having a party and I came in and everybody is drinking beer. There are about ten of us and I am there, the roommate, Dave, some young boys and some other friends of Dave's and I was with Sandra." He went on about a "record player" and "a guy making a speech"—but nothing about Shaw, Bertrand, or an assassination plot.

Finally Dr. Fatter set the whole scene for him. "Let your mind go completely blank, Perry—see that television screen again, it is very vivid—now notice the picture on the screen. There will be Bertrand, Ferrie and Oswald and they are going to discuss a very important matter and there is another man and girl there and *they are talking about assassinating somebody*. Look at it and describe it to me."

And under this prodding, Perry Russo finally came up with his story.

In their final session, two days before Clay Shaw's hearing, Dr. Fatter gave Russo this post-hypnotic suggestion: "Any time you want to, you can permit yourself to become calm, cool and collected. . . . You will be amazed at how acute your memory will become in the next few weeks. Things will seem to pop into your mind and it will be only the truth as you saw it. . . . Remember, Perry, the truth always wins out. . . ."

Throughout his testimony, I listened with fascination as a "calm, cool and collected" Perry Russo related his marvelously detailed hypnotic vision—the story that differed so greatly from the one "Moo" Sciambra had originally reported.

After the judges ruled that Shaw should stand trial, I called Garrison. "Something bothers me," I said. I told him there wasn't a thing in Sciambra's first report about a party, a plot or a "Bertrand." Garrison seemed surprised; apparently he had never read the report. "I'll get Moo out here and have him explain it," he said.

There were four of us in Garrison's study when I questioned Sciambra—Garrison, Sciambra, a private investigator named William Gurvich, who is assisting Garrison on his probe, and myself. I asked Sciambra why his report on his first interview with Russo said nothing about an assassination plot. Sciambra said I didn't know what I was talking about. I told him I had read his report carefully and knew exactly what was in it. "Maybe," he said, shifting his story, "I forgot to put it in."

"But you reported specifically that Russo said he had seen Shaw only twice, not three times," I persisted. Sciambra said he had been "awfully busy with a half dozen other things and had to sandwich in the report and might have forgotten" to include everything. I said it seemed incredible that he would uncover testimony that might solve the crime of the century and then forget to report it.

"You made notes when you first talked to Russo," I said. "Your original notes would show whether he mentioned an assassination plot." Sciambra said he had burned his notes.

Later I asked Dr. Fatter where he got the information he used in prompting Russo under hypnosis. He said it came from "Garrison's office."

Since the Shaw hearing, the girl Russo claimed accompanied him to the "plot" party, the former Sandra Moffit, has been located. She denied attending the party and said she had not even met Ferrie until 1965. Granting the potency of hypnotic suggestion, it seems possible that Perry Russo did not know, when he testified, what was fact and what was hypnotic hallucination.

At this writing Shaw's trial has not been set and is at least six months away. This will give Jim Garrison a lot of time to try to solve the crime he said he solved months ago. When Garrison met me in Las Vegas he made a comment that seems to sum up the whole affair. "This case," he said, "is straight out of *Alice in Wonderland*." □